

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Cleveland Heights, OH)	CSR-5197-R
(OH0695))	
)	
Regulation of Cable Programming Tier Rates)	

ORDER

Adopted: March 8, 2007

Released: March 12, 2007

By the Deputy Chief, Policy Division, Media Bureau:

1. On January 9, 1998, the City of Cleveland Heights, Ohio and Mr. Richard Weigand filed a Motion for Declaratory Ruling and Petition for Special Relief alleging that Telerama, Inc. d/b/a Cablevision ("Cablevision"), the cable operator in Cleveland Heights, Ohio had evaded the Commission's rate regulations in 1993 with regard to its rates and service offerings for its remote control device. Cablevision filed an Opposition requesting that the motion and petition be dismissed because the rates for equipment including the remote control device had been reviewed and approved by Cleveland Heights approximately four years prior to the filing. We agree that the motion and petition were untimely filed and the issue of evasion was mooted by the Cleveland Heights local rate order of May 16, 1994. We therefore dismiss the motion and petition.

2. Accordingly, **IT IS ORDERED** that the Motion for a Declaratory Ruling and Petition for Special Relief filed by the City of Cleveland Heights, Ohio and Mr. Richard Weigand **IS DISMISSED**.

3. This action is taken pursuant to authority delegated by § 0.283 of the Commission's rules.¹

FEDERAL COMMUNICATIONS COMMISSION

John B. Norton
Deputy Chief, Policy Division
Media Bureau

¹ 47 C.F.R. § 0.283.